

MILES EHRLICH (Bar No. 237954)
miles@ramsey-ehrllich.com
KATHARINE KATES (Bar No. 155534)
katharine@ramsey-ehrllich.com
RAMSEY & EHRLICH, LLP
803 Hearst Avenue
Berkeley, CA 94710
Telephone: (510) 548-3600

Attorneys for Defendant Mohammed Nuru

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMMED NURU,

Defendant.

Case No.: 3:21-CR-00490 WHO

**DEFENDANT'S MOTION TO
REMOVE INCORRECTLY FILED
DOCUMENT AND [PROPOSED]
ORDER**

Hon. William H. Orrick

Defendant Mohammed Nuru brings this Motion to Remove an Incorrectly Filed Document. The defense respectfully requests that the Court remove Docket No. 112-4 from the Docket in this matter. A corrected version of that docket entry has been filed at Docket No. 116-1.

MOTION TO REMOVE INCORRECTLY FILED DOCUMENT AND [PROPOSED] ORDER
United States v. Nuru
Case No. 3:21-CR-00490-001 WHO

1 The defense makes this request because Docket No. 112-4 contains a letter in support
 2 of Defendant Mohammed Nuru that was mistakenly filed. That letter is at Dkt. No. 112-4,
 3 MNURU_0058, and is part of Exhibit D to Mohammed Nuru's Sentencing Memorandum and
 4 Motion for Downward Variance. If the letter is not removed from the docket, it will have
 5 negative employment consequences for the author of that letter, Mrs. DiJaida Durden.

6 Mrs. Durden is employed as a Deputy Director of the Department of Public Works.
 7 Mrs. Durden submitted that letter in her personal capacity—*not* her professional capacity as a
 8 Public Works employee. That letter was mistakenly submitted on the Department of Public
 9 Works letterhead. But she did not intend this to reflect the opinion of the Department of
 10 Public Works, it reflects only her personal opinion. It should not have been submitted on
 11 Department of Public Works letterhead. This was an error.

12 Mrs. Durden has corrected this mistake. Defense counsel filed a Notice of Errata at
 13 Docket No. 116, with the corrected Exhibit D, with a letter from Mrs. Durden in her personal
 14 capacity at MNURU_0058.

15 The defense respectfully requests that Docket No. 112-4 be removed from the docket
 16 to avoid any negative employment consequences for Mrs. Durden that will result from this
 17 erroneously filed document.

18 DATED: August 25, 2022

19 Respectfully submitted,

20
 21 /s/ Katharine A. Kates
 KATHARINE A. KATES
 MILES EHRLICH

22
 23 *Attorneys for Defendant Mohammed Nuru*
 24
 25
 26
 27

[PROPOSED] ORDER

Good cause having been shown, Docket No. 112-4 shall be removed from the docket in this matter.

IT IS SO ORDERED

DATED: _____

HON. WILLIAM H. ORRICK